

**MINUTES FOR THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**February 21, 2007**

**DIVISION ONE**

Court convened at 9:00 a.m.

Present: Mallano, Acting P.J., Vogel (Miriam A.), J., Rothschild, J., Jackson, J.  
(Assigned) and P. Gonzalez, Deputy Clerk.

Each of the following:

B187640      Cardenas v. Torres  
B188160      Dohner v. Vazquez

Argument waived, cause submitted.

Each of the following:

B181875      Apex Therapeutic Care, Inc. v. Factor Health Management  
B185820      Frakes v. Milligan

Matter continued to March 20, 2007.

Each of the following:

B181333      Czuker v. Ernst & Young  
B190336      Bufford v. Folkes

Matter continued to March 21, 2007.

Vogel, J., leaves the bench.

DIVISION ONE (Continued)

B182622 Tina Kaloustian  
v.  
Rene Michael et al.

Merits:

Argued by James N. Kahn for appellant and by Philip H. Dyson for respondents. Cause submitted.

Vogel, J., returns to the bench.

B190041 Trope and Trope  
v.  
J. Mark Burnett

Merits:

Argued by Thomas Paine Dunlap for appellant and by J. Nicholas Cuneo for respondent. Cause submitted.

Rothschild, J., leaves the bench.

B186944 Karen Daily  
v.  
Robert E. Racine et al.

Merits:

Argued by Karen Daily, appellant in propria persona and Albert Abkarian appearing for respondent waives argument. Cause submitted.

B187743 Safeco Insurance Company of America  
v.  
Fireman's Fund Insurance Company

Merits:

Argued by James P. Lemieux for appellant and by Karen M. Bray for respondent. Cause submitted.

DIVISION ONE (Continued)

Rothschild, J., returns to the bench.

B188186     Carlton Price III, et al.  
                 v.  
                 Carlton Price, II

Merits:

Argued by Terence S. Nunan for appellant and Tomohiro J. Kagami for  
appearing for respondent waives argument. Cause submitted.

B186405     Robby Robinson  
                 v.  
                 Weider Publications, Inc., et al.

Merits:

Argued by L. Douglas Brown for appellant and by David A. Gerber for  
respondents. Cause submitted.

Mallano, J., leaves the bench.

B186717     Shidan Taslimi  
                 v.  
                 Khat Holdings

Merits:

Argued by Perry Roshan-Zamir for appellant and by Brian T. Corrigan for  
respondent. Cause submitted.

Court adjourned.

February 21, 2007 (Continued)

## DIVISION ONE (Continued)

B193357 People (Not for Publication)

V.

Lajoy E.

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur:   Mallano, Acting P.J.  
                      Jackson, J. (Assigned)

B191464 People (Not for Publication)

V.

Davion M.

The orders are affirmed.

Vogel (Miriam A.), Acting P.J.

We concur: Rothschild, J.  
Jackson, J. (Assigned)

B189188 People (Not for Publication)

V.

Davalos

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur:   Mallano, Acting P.J.  
                      Jackson, J. (Assigned)

February 21, 2007 (Continued)

## DIVISION ONE (Continued)

B191464 People (Not for Publication)

V.

Davion M.

The orders are affirmed.

Vogel (Miriam A.), Acting P.J.

We concur: Rothschild, J.  
Jackson, J. (Assigned)

B193357 People (Not for Publication)

V.

Lajoy E.

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur:   Mallano, Acting P.J.  
                    Jackson, J. (Assigned)

DIVISION TWO

B187262 People (Not for Publication)

V.

Donovan Lamonte Haley

The judgment is affirmed.

Boren, P.J.

We concur:   Doi Todd, J.  
                          Chavez, J.

February 21, 2007 (Continued)

## DIVISION TWO (Continued)

B188430      Gross      (Not for Publication)

V.  
Adams

The judgment is affirmed.

Boren, P.J.

We concur:   Doi Todd, J.  
                   Ashmann-Gerst, J.

B189168      Katz et al.      (Not for Publication)

v.  
Arthur Jeppel

The judgment is affirmed.

Boren, P.J.

We concur:   Doi Todd, J.  
                   Ashmann-Gerst, J.

B187649      Advisors LLP et al.      (Not for Publication)

v.  
Huitt-Zollars, Inc.,

The judgment is affirmed.

Boren, P.J.

We concur:   Doi Todd, J.  
                   Ashmann-Gerst, J.

DIVISION THREE

B190841      Los Angeles County, D.C.S.      (Not for Publication)

v.

Paola L.

The juvenile court order terminating parental rights and selecting adoption as the permanent plan is affirmed. No costs are awarded on appeal.

Kitching, J.

We concur:   Klein, P.J.  
                  Croskey, J.

B191002      Los Angeles County, D.C.S.      (Not for Publication)

v.

Rikki C.

The order terminating parental rights is affirmed.

Klein, P.J.

We concur:   Kitching, J.  
                  Aldrich, J.

B193812      Los Angeles County, D.C.S.      (Not for Publication)

v.

Rosalie S.

The order terminating parental rights is affirmed.

Klein, P.J.

We concur:   Croskey, J.  
                  Aldrich, J.

February 21, 2007 (Continued)

### DIVISION THREE (Continued)

B182979 Gillan  
v.  
City of San Marino, et al.

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

DIVISION FOUR

B190056      Sherman                      (Not for Publication)  
v.  
Barrett

The order denying the petition to compel arbitration is affirmed. The respondent is awarded his costs on appeal. The writ of supersedeas is dissolved.

Willhite, J.

We concur: Epstein, P.J.  
Manella, J.

B188643      Oscar V.      (Not for Publication)  
v.  
Superior Court, Los Angeles County  
(Los Angeles County Department of Children and Family Services, r.p.i.)

The temporary stay order of March 15, 2006 is lifted, and the petition is denied.

Epstein, P.J.

We concur: Willhite, J.  
Suzukawa, J.



DIVISION FOUR (Continued)

B187492      Los Angeles County, D.C.S.      (Not for Publication)

v.  
Peter Z.

The juvenile court's orders of October 27, 2005, January 5, 2006, and May 16, 2006, are affirmed.

Suzukawa, J.

We concur: Willhite, Acting P.J.  
Manella, J.

DIVISION FIVE

B191410      People      (Not for Publication)

v.  
Marlin Ford

The judgment is reversed.

Kriegler, J.

We concur: Turner, P.J.  
Mosk, J.

B192138      Los Angeles County, D.C.S.      (Not for Publication)

v.  
Kymmberli U.

The judgment is affirmed.

Kriegler, J.

We concur: Turner, P.J.  
Armstrong, J.

February 21, 2007 (Continued)

## DIVISION FIVE (Continued)

B192423 People (Not for Publication)

V.

Ira Johnson

Upon issuance of the remittitur, the superior court clerk is directed to correct the abstract of judgment to reflect defendant's presentence credits of 307 days, including 205 actual days and 102 days of conduct credit. The superior court clerk shall forward a corrected copy of the abstract of judgment to the Department of Corrections and Rehabilitation. The judgment is affirmed in all other respects.

Turner, P.J.

We concur: Mosk, J.

Kriegler, J.

B152759 Peggy J. Soukup

V.

Law Offices of Herbert Hafif et al.,

Filed order modifying opinion. (Change in judgment)

DIVISION SIX

B190093 People (Certified for Publication)

V.

Merfield

The judgment (order of dismissal) is affirmed.

Perren, J.

We concur:    Gilbert, P.J.

Yegan, J.

## DIVISION SEVEN

B190292      People                      (Not for Publication)  
v.  
Bonner

The judgment is affirmed.

Perluss, P.J.

We concur:   Johnson, J.  
                      Zelon, J.

B189496 People (Not for Publication)  
v.  
Asencio

The judgment as to counts 3 and 4 is reversed. The section 288, subdivision (b) convictions shall be modified to reflect convictions of the lesser included offense of violating section 288, subdivision (a) due to insufficiency of the evidence of force or duress to support the greater offense. The matter is remanded for resentencing as to those counts only. The judgment as to count 1 is affirmed.

Zelon, J.

We concur:   Johnson, Acting P.J.  
                      Woods, J.

## DIVISION EIGHT

B188806      Los Angeles County, D.C.S.  
v.  
Tulip W.,  
In re L. W. et al., Persons Coming Under the Juvenile Court Law.

Filed order modifying opinion. (Change in judgment)

DIVISION EIGHT (Continued)

B191230      Regan      (Not for Publication)

v.

Los Angeles Unified School District

The judgment is affirmed.

Boland, J.

We concur:    Cooper, P.J.  
                  Flier, J.

B185656      Tara      (Certified for Publication)

v.

City of West Hollywood

Waset, Inc., et al.,

The judgment is affirmed insofar it finds that the petition does not state facts sufficient to entitle appellant to relief on the second, third and fourth causes of action, and to the extent that the fifth cause of action seeks a judicial declaration that Government Code sections 65867 and 65867.5 and City's municipal code were violated. In all other respects, the judgment is reversed and the case is remanded to the superior court with directions: (1) To issue a writ of mandate directing City to declare void its approval of the May and August 2004 Agreements; and (2) To mandate that City engage in the EIR review process (a) based on the project as described in the HUD application and (b) without reference to the May and August 2004 Agreements. Pursuant to Public Resources Code section 21168.9, subdivision (b), the trial court shall retain jurisdiction over this action in order to: (1) Specify promptly, after notice and hearing, a date by which City must certify a new EIR in accordance with CEQA standards and procedures, including provisions for public comment, and to make any findings that may be required by CEQA; and (2) Ensure that city engages in the EIR review process based on the project as described in the HUD application and without reference to the May and August 2004 Agreements. Petitioners are to recover their costs in these proceedings.

Flier, J.

I concur:      Rubin, J.  
I dissent:      Cooper, P.J. (Opinion)

February 21, 2007 (Continued)

DIVISION EIGHT (Continued)

B186005      People  
                 v.  
                 Gregory H.,  
                 In re Gregory H., a Person Coming Under the Juvenile Court Law.  
  
                 Filed order denying petition for rehearing.